



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000  
TTY 711 or 800-833-6388 (for the speech or hearing impaired)

**REGISTERED MAIL**

March 30, 2006

Washington Department of Transportation  
Attn: Ms. Sasha Visconty  
401 2<sup>nd</sup> Avenue, Suite  
Seattle, WA 98104-2887

Dear Ms. Visconty:

RE: Administrative Order for SR 509/I-5 Freight and Congestion Relief Project, King County

The request for an Administrative Order for proposed work in isolated wetlands in King County has been reviewed. The State of Washington has determined that the proposed work, as conditioned by the enclosed Order, will comply with applicable provisions of Chapter 90.48 RCW and other appropriate requirements of State law.

This approval is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Lisa Rozmyn at (360) 407-7032. Written comments can be sent to her at the Department of Ecology, P.O. Box 47600, Olympia, WA 98504 or by e-mail at [lroz461@ecy.wa.gov](mailto:lroz461@ecy.wa.gov). The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Brenden McFarland  
Section Manager  
Shorelands and Environmental Assistance Program

cc: Richard Robohm, Ecology  
Sandra Manning, Corps of Engineers  
Paul Johnson, WSDOT  
David Williams, WSDOT  
Jason Biggs, WSDOT



DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY	) Order # 3127
Washington Department of Transportation	) Corps # 200500979
FOR AN ADMINISTRATIVE ORDER TO	) SR 509/I-5 Freight and Congestion
CONDUCT WORK IN AN ISOLATED WETLAND	) Relief Project, King County

To: Washington Department of Transportation  
Attn: Ms. Sasha Visconty  
401 2<sup>nd</sup> Avenue, Suite  
Seattle, WA 98104-2887

This is an Administrative Order requiring the Washington Department of Transportation (WSDOT) to comply with Chapter 90.48 RCW and the rules and regulations of the Department of Ecology (Ecology) by taking certain actions which are described below. RCW 90.48.120(1) authorizes Ecology to issue Administrative Orders requiring compliance whenever it determines that a person has violated or creates a substantial potential to violate any provision of Chapter 90.48 RCW.

On March 27, 2006 your office submitted a request to impact .11 acre of an isolated wetland as part of the I-5/SR 509 Freight and Congestion Relief Project (509 Project) in King County.

For purposes of this Order, the term "Applicant" shall mean WSDOT and its agents, assigns, and contractors.

In view of the foregoing and in accordance with RCW 90.48.120(1):

IT IS ORDERED that WSDOT shall comply with the following:

1. WSDOT shall construct and operate the project in a manner consistent with the project description contained in the revised JARPA dated November 17, 2005.
2. Project mitigation shall be constructed and maintained as described in the Final Wetland Mitigation Report dated March 15, 2006.
3. WSDOT shall provide access to the project site and all mitigation sites upon request by Ecology.
4. This Order does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
5. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and foremen, and state and local government inspectors.
6. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are

identified (e.g., violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect the public interest.

Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

**Appeal Process:**

Any person aggrieved by Order # 3127 may obtain review thereof by appeal. Pursuant to Chapter 43.21B RCW, a person can appeal this Order to the Pollution Control Hearings Board within thirty (30) days of the date of receipt of this Order.

To appeal this Order, your notice of appeal must contain a copy of the Ecology Order you are appealing.

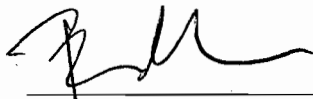
Your appeal must be filed with:

Washington Pollution Control Hearings Board  
4224- 6<sup>th</sup> Avenue SE, Rowe Six, Bldg. 2  
P.O. Box 40903, Lacey, WA 98504-0903.

Your appeal must also be served on:

The Department of Ecology  
Appeals Coordinator  
P.O. Box 47608, Olympia, WA 98504-7608

DATED this 30<sup>th</sup> day of March, 2006, at Olympia, Washington.



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Brenden McFarland  
Section Manager  
Shorelands and Environmental Assistance Program